

REMARKS

Claims 1, 4, 12-14, 17-23, 25-28, 76-77 and 152-163 are currently pending. Claims 1, 4, 12-14, 17-23, 25-28 and 152-161 have been allowed. Claims 76 and 162 are presently rejected.

**I. Claim Objections:**

Claims 77 and 163 are objected to as being dependent upon a rejected base claim. These claims would be allowable if rewritten in independent form, with all of the limitations of the base independent claims. Applicants have cured such defects by way of amendment. Specifically, currently amended claims 76 and 162 are now independent claims, which include the limitations of dependent claims 77 and 163, respectively. Applicants submit that the objections to the claims have been overcome by the present amendments to the claims and respectfully request Examiner withdraw the noted objections.

**II. Rejection under 35 USC §112:**

Claims 76 and 162 are rejected under 35 USC §112, 1<sup>st</sup> paragraph, for an alleged lack of enablement for a method of producing a polypeptide in vivo.

As described supra, Applicant has addressed this point by way of amendment. Claims 76 and 162 presently include the allowable subject matter of dependent claims 77 and 163. Claims 76 and 162 now properly recite limitations supported by the specification; namely, a method for producing a polypeptide in solution or in vitro. Accordingly, Applicant respectfully requests Examiner

withdraw the outstanding rejection under §112 and permit the application to proceed to allowance.

This response is being timely filed. However, Applicants authorize the Office to deduct any fees, or credit any overpayments, to Deposit Account No. 502235. Examiner is invited to contact Applicants' representative directly at (858) 200-0586.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'D. Kohn', is written over a horizontal line.

David M. Kohn, Esq.  
Reg. No. 53,150

Date: June 23, 2008

CATALYST LAW GROUP, APC  
9710 Scranton Road, Suite 170  
San Diego, California 92121  
(858) 450-0099